D. Dis File No. 565

19 39.

Collection No.

President's Office
Bangalore -

25/7/47

mas
2617

Pros. Serial Nos. 1 - 12

Subject.

Appeal Petition of Ex-police Constable, B. Ramaiya Gauda for re-instatement.
(G.R's order revised by H.R.)

Previous References.

600 (171) 31
R. Venkataramana
re instatement

Later References.

Dy [illegible]

[illegible]
7/4/46

S. 97.—(Blue).

MFP—1187 S&P—(M-2104)—21-3-39—70,000.

NOTES AND PRECIS.

P.U.C. D.No. 10329 S.N. 1

---

1 Draft submitted.

7-10-39

9.10.39

10.10

P.U.C. D.No. 10565 S.N. 3

---

2 We have had this. I think

Id/- A.J.C.

(5)

3 Please see S.N. 1 and 2.

The PUC may be filed pro tem.

16-10-39

17.10.39

(From page 2)

18.10

Absent 16.11.39

P.U.C. D.No. 10943 S.N. 3

C.P. 1 & 3 'N'

S.N.1 "

Encl. to S.N.1

C.P. 2 "

4 Please see S.N. 1 and 2.

The appeal is in time i.e. within 2 months from the date of receipt of the order- vide Police Order No. 90 The Hon'ble the Resident is the Appellate Authority in the case

case of police constables.

5 The appeal is against the order of the Commissioner of Police removing the appellant from service for persistant indebtedness and borrowing money in spite of several warnings.

6 In the case of an appeal the appellate authority has to consider-

Rule 59 Page 30 of the compilation put up

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

7 Borrowing of money from money lenders in the Station is forbidden- vide Commr's circular No. 107, dated the 24th October 1930. The appellant admits the previous -- warnings but contends that he had not borrowed any money after the last warning on 5-9-38 as the summons received in small cause No. 1121/39 was for a debt incurred in 1936. But it must be noted that the warning given on -- 5-9-38 was for borrowing money from Marwari on 16-8-35. The debt incurred in 1936 was not known until the receipt of summons in September 1939. Previously on 8-9-38 he was

S.N. 1/c File 600(171)/31 'T'

S.N. 1 'N'

Vide defaulter sheet C.p. 21 Collection 'H'

was given a black mark for marwari debt and warned for dismissal. On 15-7-35 he was given a black mark and finally warned for dismissal for standing surety for another -- police constable who borrowed money. He must have therefore been well aware of the consequence. But after a year viz. on 27-7-36 he had again borrowed money from a marwari. This was a deliberate disregard of two definite warnings. Strict discipline in these matters seems necessary in a police force and there does not seem to be any good reason for interference.

Vide defaulter sheet : C.p: 21 in collection 'H'

C.p. 3 'H'

8 The appellant is an ex-military man. He has put in a service of 9 years in the Police Department.

Vide Service Book C.p. 26 of Collection 'H'

Submitted for orders.

(From para 4)

10-11-39

11.11.39

Q. for facts read C of P's order on the appeal against it.

10. Only ground of appeal is — That appellant did not contract ~~the debt for which he was discharged~~ after the final warning by C. of P. the debt for which he was discharge

11. This is true. C. of P says in §2(f) of his order ~~that~~ the debt was incurred on 27-7-36; and the final warning was on 5-9-38. (§2(d))

12. The appellant has rightly interpreted a warning as applying to future misdeeds; and the C. of P. does not appear to have taken from appellant any statement of debts*, or to have ascertained in any way his full indebtedness. He is not, therefore, right in dismissing appellant on a charge of "persistent indebtedness on the evidence of an old debt which had been ordered by a warning

* until just before the ending in dismissal remarks from service

13. The appeal may succeed.

Resident

14 The C of P may be ordered to see me at 2-15 p.m. today with reference thereto

P.J. Wilby

15 Com of Police informed. Please send file to Resident.

17/11/38

Love

16 The following order is passed

"It is clear that the Club for which the appellant has been ordered by his removal from Service was licensed prior to the trial Warning given on 5th April 1938.
This trial Warning must be likewise published as applying to Indians misconduct within Oxford.
It was however clearly the duty of the appellant to have cleared the Club at the time he was warned in 1938; Had he done so it is not improbable that a Limited Order than a Public Warning would have been published.
Taking this fact into consideration the Confirming Officer of the Local Club I am pleased to direct the order of the Commissioner & direct that the appellant should suffer 1 months Suspension for his failure to clear the Club.
I direct that the Commissioner should bring to the notice of the Force the orders contained in his circular No 107 dated 22 Oct 1930 regarding Warning Visit [illegible] visiting Officers with special reference to the duty of the Force Health to this visit. 17-XI-39 Order"

17 Please see para 16 supra.

Draft order submitted.

20-11-39

21.11.39

23/4/39

S. N. (4) 3000

By: 12873. N.G 10

21. The Constable was suspended from 14-8-39 and removed from service from 26-9-39. The Resident's orders are that the constable should suffer one month's suspension as a punishment. The Commissioner of Police has reckoned this one month from 26-9-39 and recommended under F.R.54 that the period of absence from 26-10-39 may be treated as eligible leave. As the intention is apparently that the punishment should not exceed one month's suspension the period to be treated as leave should be held to commence from 16-9-39. The file may be submitted to Resident for approval as the appellate authority has to pass orders under F.R.54 how the period of absence should be treated: whether as eligible leave as recommended by Commissioner of Police or otherwise.

J. M. Rajagopalan 28/12/39

22 If the constable is to suffer 1 mth's suspension as a punishment, presumably it will date from 26/9/39 [=26/10/39] as reckoned by C. of Police. Thereafter he may be given leave as due to him.

23 C. of Police shd. see that the constable either joins for duty at once or goes on such leave as C. of Police grants him.

Resident 24 F.R. 54 submitted. 30/12

25 If the constable was suspended on 14/8/39 he was presumably absent from duty from that date. The punishment of 1 month's suspension strictly awarded should count from that date. Vide 26/9/40

26 For his absence thereafter he may be given such leave as is due to him. All details of urgency -

27 Please verify this & correct from the C of P.

9/1/40

To

The Commissioner of Police, C.& M. Station, Bangalore
U.O. No. D.Dis.565/39/G.&Adated January 1940.

28 The suspension order should date from 14/8/39, & the period out of employ thereafter up to 31.1.39 should be regarded as 2 m. 5d. L.A.P. from 14/8 to 18/11/39 & 10 d. L/A.P. from 19/11/39 to 31.1.39

9/1/40

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.
10 JAN. 1940
Diary No. 360
File No.

The Secretary to the Hon'ble the Resident.
U.O. No: 1884-A.G.39 dated 6.1.1940

29 Draft accordingly 8/1.

30 Please see para 29 above.

Revised draft submitted.

11-1-40

13.1.40

P.U.C. D.No. 1834 S.N. 11

---

31 A Govt. servant on leave may not take any service or accept any employment without obtaining previous sanction of the authority empowered to appoint him- vide Fundamental Rule 69(b).

Encl. to S.N.1
C.p. 2 'N'

32 Constable Anthony Cruz was dismissed from the Police Force by the Commissioner of Police with effect from the 25th September 1939. He had no appointment from that date. He had therefore secured an appointment as a bugler from 21-11-39 to 20-12-39.

S.N.11 (PUC)

S.N.4
C.p. 8 'N'
& para 25 of notes

33 On appeal the Resident ordered that the constable should suffer one month's suspension as a punishment i.e. from 14-8-39 to 13-9-39. Under F.R. 54 he ordered that the period from 14-9-39 & onwards should be treated as -- leave to which he was eligible. It does not therefore seem that the leave salary of the constable may be reduced as -- suggested by the Commissioner.

S.N. 10
C.p. 18 'N'

For orders.

28-2-40

5.3.40

34 The Commissioner may be told that the Constable's temporary employment as Bugler may be ignored and that his leave salary need not be reduced on this account.

J. N. Rajagopalan
8.3.40

9/3/40

35 Draft submitted.

11.3.40

12.3.40

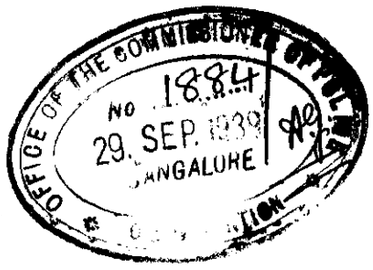
S.N.(12) Issue

Record

1913 1913

S. N. 1

1



Bangalore,

Dated 28--9--1939.

TO,

The Secretary
to The Hon'ble The Resident in Mysore,
Bangalore.

Through:-

The Commissioner of Police,
C & M Station, Bangalore.

Honoured Sir,

I beg to submit the following facts to your Honour's kind consideration and favourable orders.

1. I was a constable No.423 in the C & M Station, Police Force and my service in Force is 9 years and odd. I am as Ex-Military man and the service of about 4 years and 4 months, has been included and thus my service in the whole is about 15 years.

2. I have been removed from service from 26-9-1939 on the following grounds (copy attached).

As per para II (d) on 5-9-1938 I was punished for borrowing money from a Marwari and was warned for dismissal. From that date (5-9-1938) uptil now I have neither borrowed any money nor did I stand surety to any one. In spite of this I have been removed from service on the last occasion merely on receipt of a summons from a marwari for a debt incurred on 27-7-1936 (para 2f) prior to the date of my last warning (5-9-1938).

It is true nodoubt that I was warned thrice including the last warning on 5-9-1938 for which I am much grateful. But it is a matter to consider that after the final warning I did not commit myself by borrowing or standing surety to any one. The summon in question was for a debt incurred in 1936 before the final warning. Bec I was not able to pay on account of difficulties the su

was sent by the marwari. But this does not mean that as per para 5 I disobeyed the orders or Rules in spite of clear warnings. The last warning was on 5-9-1938 and since then nothing was borrowed.

After explaining the fact that I did not disobey after the last warning I beg to state now that the Commissioner himself in para 5 is so kind enough to express that the debt is comparitively small and I need not explain further in the matter.It is within my reachto clear the debt. Further I beg to state that there is no disobedience on my part and the Commissioner has been so kind enough to express that it is not necessary to inflict the extreme penalty of dismissal considering the amount of debt which is comparitively small.

Under the circumstances I beg that I may be reinstated and I will discharge my debts as early as possible.

For which act of kindness I shall ever pray.

I beg to remain,

Honoured Sir,

Your most obedient servant

B. Anthony Cruz P.C. 423

Address:-

B.Anthony Cruz,
Ex-P.C.423,
Door No.2.Scott Lane
Makan Road,Bangalore Cantt.

No. 1884/Ag.(S.I).37/ 5.X.38
Forward.

Commr. of Police.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
6 Oct 1938
Diary No. 10,329.
File No.

(True copy)

O.B.No.(528)
406

Office of the Commissioner of Police
C & M Station, Bangalore,

Dated 25--9--1939.

Minutes.

Police constable 423 Anthony Cruz is charged with persistant indebtedness and borrowing money in spite of several warnings.

2. On 3-9-38 the delinquent contracted a debt with a Marwari and was on 16-4-34 punished and warned for dismissal.

On 10-12-34 he was again punished by suspension for a week for standing surety to another Police constable who borrowed money from a sowcar.

On 15-7-1935 he was punished and finally warned for dismissal for standing surety for another Police constable who borrowed money.

On 5-9-38 he was again punished for borrowing money from a Marwari, and was again warned for dismissal.

The above facts are all proved by the service roll and defaulter sheet of the delinquent.

In small cause suit No.1121/39 the delinquent has again been summoned for a debt incurred by borrowing money from a sowcar on 27-7-1936 i,e, after he had been three times warned for dismissal.

3. The delinquent pleads that he was driven into debt by an invalid wife, that he has been trying to clear his debts and has nearly succeeded and asks for mercy.

4. The charges are clearly proved.

5 The amount of the debt is comparatively small, so far as has been revealed, and taking this into consideration, I think it is not necessary to inflict the extreme penalty of dismissal.But the disobedience of the rules in spite of clear warnings is flagrant and cannot be disregarded.

I order that Police constable 423 Anthony Cruz be removed from service from date of receipt of order.

sd/- J.M.Green,
25-9-39 Commissioner of Police,

O.B.No.(528)
406

Copy to P.C.423 Anthony Cruz. (Thro'C)

The period spent under suspension will be treated as suspension pending enquiry into charge against him,

sd/- Manager.
for Commissioner of Police
25-9-1939.

(True copy)

S.N.2

3

Issue 10.10

Issued 16/10/39 Dft

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / ~~Memorandum~~ / Telegram

Class for telegrams — INLAND: Immediate / Important / Express / Ordinary — FOREIGN: Immediate / Important / Ordinary / Without priority

No.D.Dis. 565/39/G.& A. Dated 16/10/1939.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures — S.N. 1 (PUC)

(~~Code word for telegrams.~~)

To

The Commr. of Police,
C.& M. Station, Bangalore.

Appeal petition of ex-police constable 423 Anthony Cruz.

Sir,

I am directed to refer to your endt. No. 1884/A.G., dated the 5th October 1939.

The records relating to the dismissal of the constable referred to above may kindly be forwarded to this Residency for reference and return.

I have etc.,

10.10

Asst. Secy. to the Resident.

7-10-39

S. 5.

MGIPC—S5—1595(S&P)MFP—(M-944)—6-3-39—60,000 Pads.

Bangalore.
Dated 13th October 1939.

To

The Secretary,
to the Hon'ble the Resident in Mysore,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
14 OCT. 1939
Diary No. 10,565
File No.

REF: C.B. No.528, dated 25-9-1939, re-removal from service of Police Constable No.423 Anthony Cruz.

Honoured Sir,

I beg to submit the following facts to your honour's kind considerations and favourable orders.

1. I was a constable No.423 in the C. & M. Station, Police Force and my service in Force is 9 years and odd. I am an ex-Military Man and the service of about 4 years and 4 months has been included and thus my services on the whole is about 15 years.

2. I have been removed from service from 26/9/39 on the following grounds:-(COPY ATTACHED):-

As per para 11 (d) on 5-9-38, I was punished for borrowing money from a Marwari and was warned for dismissal. From that date(5-9-38) uptil now I have neither borrowed any money nor did I stand surety to any one. In spite of this I have been removed from services on the last occasions merely on receipt of a summons from a marwari for a debt incurred on 27-7-1936(para 2f) prior to the date of my last warning (5-9-38).

It is true no doubt that I was warned thrice including the last warning on 5-9-38 for which I am much grateful. But it is a matter to consider that after the final warning I did not commit myself by borrowing or standing surety to any one. The summon in question was for a debt incurred in 1936 before the final warning. Because I was not able to pay on account of difficulties the summon-s was sent by the Marwari. But this does not mean that as per para 5, I disobeyed the orders or Rules inspite of clear warnings. The last warning was on 5-9-38 and since then

5

nothing was borrowed.

After explaining the fact that I did not disobey after the last warning, I beg to state now that the commissioner himself in para 5 is so kind enough to express that the debt is comparitively small and I need not explain further in the matter. It is within my reach to clear the debt. Further, I beg to state that there is no disobedience on my part and the commissioner has been to kind enough to express that it is not necessary to inflict the extreme penalty of dismissal considering the amount of debt which is comparatively small.

In this connection I beg to submit that I have submitted a ground of appeal through the Commissioner of Police, C.&. M. Station, on the 28th of September 1939, and I have not been favoured with any reply upto now. I am in a family man and as such I am/difficulties.

Further, I humbly beg to submit that I have suspended from the duty on the 14th August 1939 and I have kept in suspension from the 14th August 1939 to 25th September 1939, and my dismissal order from the service was served on me on the 26th September 1939.

Under the circumstances, I beg that I may be reinstated and I will discharge my debts as early as possible. Please have mercy on the poor family and help me.

For which act of kindness and charity, I shall ever pray for your long life and prosperity.

I beg to remain,
Honoured Sir,
Your Most Obedient servant,

B. Anthony Cruz.

ADDRESS.
B.Anthony Cruz
Door No.2, Scott Lane,
Makan Road,
C.&.M. Station,
BANGALORE CANTONMENT.

16

(TRUE COPY)

Office of the Commissioner of Police,
Civil and Military Station,
Bangalore.

O.B. No.528.

Dated 25- 9- 1939.

MINUTES.

Police Constable 423 Anthony Cruz is charged with persistant indebtedness and borrowing money in spite of several warnings.

2. On 3-9-1933 the delinquent contracted a debt with a Marvari and was on 16-4-1934 punished and warned for dismissal.

On 10-12-1934 he was again punished by suspension for a week for standing surety to another Police constable who borrowed money from a sowcar.

On 15-7-1935 he was punished and fainally warned for dismissal for standing surety for another Police Constable who borrowed money.

On 5-9-1938 he was again punished for borrowing money from a marwari, and was again warned for dismissal.

The above facts are all proved by the Service Roll and Defaulter sheet of the Delinquent.

In Small Cause Suit No.1121/39, the deliquent has again been summoned for a debt incurred by borrowing money from a sowcar on 27-7-1936 i.e. after he had been three times warned for dismissal.

3. The delinquent pleads that he was driven into debt by an invalid wife, that he has been trying to clear his debts and has nearly succeeded and asks for mercy.

4. The charges are clearly proved.

5. The amount of the debt is comparatively small, so far as has been revealed, and taking this into consideration, I think it is not necessary to inflict the extreme penalty of dismissal. But the disobedience of the rules in spite of clear warnings is flagrant and cannot be disregarded.

I order that Police Constable 423 Anthony Cruz be removed from service from date of receipt of Order.

sd/- J. M. Green.
25/9/39. Commissioner of Police

O.B.No.528.
Copy to P.C. 423 Anthony Cruz. (thro' C)

The period spent under suspension will be treated as suspension pending enquiry into charge against him.

sd/-
For Commissioner of Police.
25- 9- 1939.

S. N. 3

7

OFFICE OF THE COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION, BANGALORE.

No. 1884/A.G. *Dated* 26/27 · X · 1939.

FROM

J. M. Green, Esquire, I.P.,
COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Assistant Secretary
to the Hon'ble the Resident in Mysore,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
27 OCT. 1939
Diary No. 10,943
File No.

S. N. 2
C. R-3 (N)

SIR,

With reference to your letter No.D.Dis.F.565-39/G & A dated 16th October 1939, I have the honour to forward herewith the entire records relating to the dismissal of ex-Police Constable 423 Anthony Cruz, as requested.

I have the honour to be,
Sir,
Your most obedient servant,

COMMISSIONER OF POLICE.

Done
23/11/39

Issued
28/11/39
DM

S.N.1

S.N.4

Proceedings of the Hon'ble the Resident in Mysore

D.Dis.No.565/39/G.& A., dated 28/11/1939

Read:-

Appeal petition from ex-constable - Anthony Cruz dated the 28th September -- 1939, against the order of removal passed by the Commr. of Police, C.& M. Station, Bangalore.

O R D E R

It is clear that the debt for which the appellant has been ordered to be -- removed from service was incurred prior to the final warning given on 5th September 1938.

This final warning must be interpreted as applying to future misconduct in this respect. It was however clearly the duty of the appellant to have declared this debt at the time he was warned in 1938; ~~Had~~ had he done so it is not improbable that a punishment other than a further warning would have been inflicted. -- Taking these facts into consideration & the comparative smallness of the total debt the Hon'ble the Resident is pleased to revise the order of the Commissioner and directs that the appellant should -- suffer one month's suspension for his -- failure to declare this debt.

The Resident desires that the Commr. should bring to the notice of the Force, once again, the orders contained in the Commr's circular No. 107 dated 22nd/24th October 1930 and give a warning that -- persistent indebtedness ~~with such~~ will render members

† Please see S.N.2
File 600(171)/31 'T'

of the Force ~~will be~~ liable to dismissal.

Sd/ H. Trevelyan,

~~Pol~~ Secy. to the Resident.

Copy to

The Commr. of Police, C.& M.Station, Bangalore, with reference to his -- letter No. 1884/A.G., dated 27th Octr 1939. The records of the case are enclosed.

S.N.3 (PUC)

Ex-police constable Anthony Cruz

Through

The Commr. of Police,
C.& M. Station, Bangalore.

20-11-39

21.11.39

S. N. 5 (Pt. I)

" BY REGISTERED POST"

Bangalore.
Dated 3rd November 1939.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE.
Diary No. 11,198
File No.

From

B. Anthony Cruz,
Door No.2, Scott Lane,
Makkan Road,
C.&.M.Station,
Bangalore.

To

The Honourable Resident in Mysore,
C.&.M.Station, Bangalore.

Re:O.B.No.528,dated 25-9-39.re-removal from service of Police Constable No.423:Anthony Cruz.

Honoured Sir,

I beg to submit the following facts to your kind consideration and favourable orders.

Now, I am at present without any appointment. I have been removed from the services from 26th September 1939.

In connection with the abovesaid matter, I have submitted my appeal to the Secretary to the Hon'ble the Resident in Mysore:Bangalore through the Commissioner of Police, C.&.M. Station, by Registered post on the 28th September 1939, but very sorry to note that upto this date, I have not received any reply another letter also sent on 13-10-1939 to the Secretary,no reply. (a true copy of O.B.No.528.dated 25-9-39 and a ground of appeal dated 28-9-1939 is enclosed for your honour's references).I am a family man and as such owing to my unemployment,myself and my family are actually starving now. There is no one to support. My present age is 35. Now, I am prepared to serve in the Regiment. So, Please consider my case and grant my prayer. Besides this, I beg to submit that A.R.Sergeant "C" Division, asked me to vacate the quarters on the 31st October 1939, so,accordingly, the quarters are vacated on the 31-10-1939.

REGARDING MY G.P.FUND:-In this connection, I have requested the Commissioner of Police,C.&.M. Station, Bangalore, to pay my G.P. Fund money back, and for that,no reply is received yet.

So,under all these circumstances, I most humbly and respectfully request yourbenign self to kindly consider my pitiable case and grant my prayer and also I humbly beg your honour to kindly pass the necessary order for an early payment of my G.P.Fund. I am a poor man, with a big family to support

P.T.O.

So, please have mercy on the poor family and pass the necessary orders for a payment of my G.P.Fund and also on my appeal for my reinstated into my services.

For which act of kindness and charity, I shall ever pray for your long life and prosperity.

I beg to remain,

Honoured Sir,

Your Most Obedient servant,

B. Anthony Croft

P.N.

Expecting your kind reply.
This matter is pending for a
long time.

(True Copy)

Bangalore.
Dated 28th September 1939.

To
The Secretary
to the Hon'ble The Resident in Mysore,
Bangalore.

Through

The Commissioner of Police,

C.&.M. Station, Bangalore,

Ref: C.B.No.528, dated 25-9-1939, re-removal from services of Police Constable No.423, Anthony Cruz.

Honoured Sir,

I beg to submit the following facts to your honour's kind considerations and favourable orders.

1. I was a constable No.423 in the C.&.M. Station, Police Force and my service in Force is 9 years and odd. I am an Ex-Military man and the service of about 4 years and 4 months has been included and thus my services on the whole is about 13 years.

2. I have been removed from service from 26/9/39 on the following grounds:(Copy attached).

As per Para II(d) on 5-9-1938, I was punished for borrowing money from a marwari and was warned for dismissal From that date(5-9-38) uptil now I have neither borrowed any money nor did I stand surety to any one. In spite of this I have been removed from service on the last occasions merely on receipt of a summons from a marwari for a debt incurred on 27-7-1936 (para 2 I) prior to the date of my last warning (5-9-38).

It is true no doubt that I was warned thrice including the last warning on 5-9-38 for which I am much grateful. But it is a matter to consider that after the final warning I did not commit myself by borrowing or standing surety to any one. The summon in question was for a debt incurred in 1936 before the final warning. Because, I was not able to pay on account of difficulties the summons was sent by the Marwari. But this does not mean that as per para 5 I disobeyed the orders or Rules inspite of clear warnings. The last warning was on 5-9-38, and since then nothing was borrowed

After explaining the fact that I did not disobey after the last warning I beg to state now that the commissioner himself in para 5 is so kind enough to express that the debt is comparitively small and I need not explain further in the matter. It is within my reach to clear the debt Further I beg to state that there is no disobedience on my part and the commissioner has been to kind enough to express that it is not necessary to inflict the extreme penalty of dismissal considering the amount of debt which is comparatively small.

Under the circumstances, I beg that I may be reinstated and I will discharge my debts as early as possible.

For whcih act of kindness I shall ever pray.

I beg to remain,
Honoured Sir,
Your Most Obedient servant,
B. Anthony Cruz

(True copy)

O.B.No.528.

Office of the Commissioner of Police, Civil and Military Static Bangalore.
Dated 25-9-1939.

Minutes:

Police Constable 423 Anthony Cruz is charged with persistant indebtedness and borrowing money in spite of several warnings.

2. on 3-9-1933, the deliquent contracted a debt with a Marwari and was on 16-4-1934 punished and warned for dismissal.

on 10-12-34, he was again punished by suspension and for a week for standing surety to another Police Constable who borrowed money from a sowcar.

on 15-7-1935, he was punished and finally warned for dismiss for standing surety for another police constable who borrowe money.

On 5-9-1938, he was again punished for borrowing money from a Marwari, and was again warned for dismissal.

The above facts are all proved by the service Roll and defaulter sheet of the Delinquent.

In Small cause suit No.1121/39, the delinquent has again been summoned for a debt incurred by borrowing money from a sowcar on 27-7-1936.ie. after he had been three times warned for dismissal.

3. The delinquent pleads that he was drived into debt by an invalid wife, that he has been trying to clear his debts and has nearly succeeded and asks for mercy.

4. The charges are clearly proved.

5. The amount of the debt is comparatively small, so far as has been revealed, and taking this into consideration, I think it is not necessary to inflict the extreme penalty of dismissal. But the disobedience of the rules in spite of clear warnings is flagrant and cannot be disregarded.

I order that Police Constable 423 Anthony Cruz be removed from service from date of receipt of order.

sd/- J.M.Green.
Commissioner of Police,
25-9-1939.

Copy to P.C.423 Anthony Cruz:

The period spent under suspension will be treated as suspension pending enquiry into charge against him.

sd/-
For Commissioner of Police,

25-9-1939.

S.N.6 (Pt. II)

13

Bangalore,
Dated the [illegible] Novbr. 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Received 16 NOV. 1939
Diary No. 11,578
File No. [illegible]

From
B. Anthony Cruz,
Door No.2, Scott Lane,
Makkan Road,
C. & M. Station,
Bangalore.

To
The Honourable the Resident in Mysore,
C. & M. Station, Bangalore.

Honoured Sir,

Re. O.B. No.528 dated 25-9-39 removal from service of Police Constable No.423 Anthony Cruz.

S.N.1 (N)

With further reference to my appeal dated 28-9-39, I most humbly and respectfully beg to state that during the time of Mr. J.F.B. Kaey (Acting Commissioner of Police, C. & M. Station, Bangalore) and Mr. R.S. Milton, Retired Commissioner of Police, C. & M. Station, Bangalore, I had contracted debts to the extent of Rs.100/- and brought this to the kind notice of the aforesaid officers and in turn Mr. R.S. Milton ordered me to attend C.R. on 5-9-38. Accordingly I answered his call and he strictly warned me on 5-9-38 to clear away the above debt, and also said that if I contract further debts I will be dismissed without further consideration whatsoever. As per per his final warning ie., on the 5th Septbr. 1939, I have hitherto not contracted any debt other than the amount contracted prior to 5-9-38. It is obvious that I have nearly discharged the above debt except Rs.20/- being the balance of pronote dated 27-7-36 and consequently a summon to that effect was served on me. In view of the above I was suspended from duty with effect from the 14th August,39 to 25th Septbr.39 and subsequently I was served with a removal order on 26-9-39. I, therefore, most humbly and respectfully beg to request your goodself to kindly call for the records from the office where I have served and thus issue necessary orders to reinstate me and render me grateful.

For which act of sympathy, I will ever cherish in my memory.

I beg to remain,
Honoured Sir,
Your most obedient servant,
B. Anthony Cruz

S.N.7

14

No. 1884/ Ag.

Office of the Commissioner of Police,
Civil and Military Station, Bangalore.

Dated 4. XII. 1939.

From

J. M. Green, Esquire, I.P.,

Commissioner of Police,
Civil and Military Station,
BANGALORE.

7-12-39
OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 12,321
File No. 565/39

To

The Secretary
to the Hon'ble the Resident in Mysore,
BANGALORE.

Sir,

S.N.4(1)

Reference: Hon'ble the Resident's Proceedings No.D.Dis.No.F. 565-39/G & A dated 28-11-1939 reinstating P.C.423 Anthony Cruz to service.

I have the honour to state that the Police Constable has been out of employ from 26-9-1939 and the period of suspension for one month ordered in your above proceedings covers up to 26-10-1939. I request that orders may kindly be issued under F.R.54 as to how the period from 26-10-1939 to the date of his joining duty should be treated. I suggest it should be treated as eligible leave.

I have the honour to be,

Sir,

Your most obedient servant,

COMMISSIONER OF POLICE.

S. N. 8

15

Issued 18/12/39

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft ~~Letter~~ ~~Memorandum~~ Telegram

Class for telegrams	INLAND:	FOREIGN:
	Immediate	Immediate
	Important	Important
	Express	Ordinary
	Ordinary	Without priority

No. D.Dis. 565/39/G.& A. Dated 18th Dec. 1939.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	PUC
List of enclosures	

(Code word for telegrams.)

To

The Manager,
Office of the Commissioner of Police.

Telephone message

Reference letter from the Commr. of Police, No. 1884/AG., dated the 4th -- December 1939, suggesting that the period of absence of P.C.423 Anthony Cruz from 26-10-39 to the date of his joining duty should be treated as eligible leave. Will you kindly let me know at an early date what leave he is entitled to ?

16/12/39

Superintendent

Draft telephone message submitted.

15.12.39

S. 5.
MGIPC—S5—1705(S&P)MFP—(M-944)—6-3-39—60,000 Pads.

S.N.9

16

D.Dis.565/39 M.S 19/12

TELEPHONE MESSAGE.

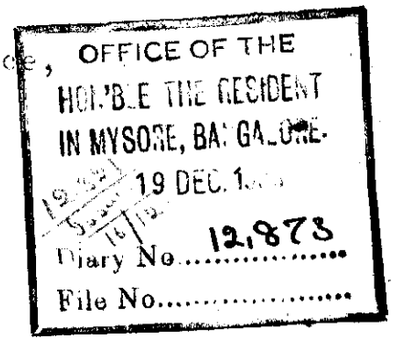
19th December 1939.

From

Office of the Commissioner of Police,
C & M Station,
Bangalore.

To

The Superintendent,
Resident's Office,
Bangalore.



S.N.8

Ref: Your telephone message D.Dis.565-39/G&A. dated the 18th December 1939 Re; P.C. Antony Cruz. The P.C. is eligible for two months and 9 days leave on average pay, and one year 5 months and 16 days leave half average pay as per his leave account. He has not joined duty and the period of absence from 26-10-39 to the date of his rejoining duty will be treated according to the kind of leave specified by the order of the Resident.

DSL.
2.40 P.M.

WS 1943 DD 565/39

17

MEMO.

FROM

J. M. Green, Esquire, I.P.,
COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION,
BANGALORE.

To
The Superintendent,
Resident's Office,
BANGALORE.

Reference No.:— 1884/A.G. Bangalore, Dated 19.12.1939

Reference: Your telephone message No.D.Dis.565/39/G.A. dated 18th December 1939 - P.C.423 Anthony Cruz.

The Police Constable is eligible for 2 months 9 days L.A.P. and 1 year 5 months and 16 days L½ A.P. as per his leave account. He has not joined duty and the period of absence from 26-10-1939 to the date of his re-joining duty will be treated according to the kind of leave specified by the Hon'ble the Resident.

M. Ramachandra

for COMMISSIONER OF POLICE.

19/12

S.N.10

18

Proceedings of the Hon'ble the Resident in Mysore

No.D.565/39/G.& A. dated 18th Jan 1940.

Read:-

Resident's Proceedings No.D.565/39/G.& A., dated the 28th November 1939.

ORDER

Under F.R.54 the Hon'ble the Resident directs that the period of absence of -- police constable 423 Anthony Cruz from 14-8-39 to 3-12-39 ~~the date of his joining duty~~ shall be treated as follows:-

(1)from 14-8-39 to 18-11-39 as L.A.P. and

(2) " 19-11-39 to 3-12-39 as leave on half average pay.

For Secy. to the Resident.

Copy to

The Accountant General, Madras.

" Commr. of Police, C.& M. Station Bangalore.

Vide para 28 of notes

S.N.4 'N'

S.N. 11 D7565/39

19

No. 1884/A.9/39-40 Encl

Office of the Commissioner of Police,
Civil and Military Station, Bangalore.

Dated 17th February 1940.

From

J. M. Green, Esquire, I.P.,

Commissioner of Police,
Civil and Military Station,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
16 FEB. 1940
Diary No. 1834 Sir...
File No.....

The Secretary
to the Hon'ble the Resident in Mysore,
BANGALORE.

Reference: Correspondence ending with the Hon'ble the Resident's Proceedings No.D.F.565-39/G and A dated 18-1-1940.

I have the honour to state that it has since been reported that constable No.423 Anthony Cruz referred to in the reference quoted above was appointed as a Bugler at the Officers Training School, Belgaum, from 21-11-1939 to 20-12-1939 both days inclusive at Rs.16/- per mensem and drew Rs.15/10/- for the period. As this absence from duty from 14-9-1939 to 23-12-1939 (not 3-12-1939 as he rejoined the Police Force only on 24-12-1939) has been treated as leave to which he is eligible, I request the favour of your instructions as to the pay he should be paid from the Police Funds for the period he drew pay while he was in military employ.

I would suggest that he be paid the difference between the rate of military pay and the rate of Civil pay i.e. Rs.13/1/- for November 1939 and Rs.4/3/- for December 1939 i.e. a total of Rs.17/4/- as per Memo of calculation attached.

I have the honour to be,
Sir,
Your most obedient servant,

COMMISSIONER OF POLICE.

Memo of Calculation. 2c

November 1939.

Leave Allowance on Full Average Pay from 1st to 18th @ Rs.23/- per mensem.	Rs.	13	12 10
Leave on ½ Average pay from 19th to 30th @ Rs.11/8/- per mensem.		4	9 7
See memo of figures =		18	6 0
Deduct- Military pay from 21st to 30th @ Rs.16/- per mensem		5	5 0
		13	1 0

December 1939.

Leave on ½ average pay 1st to 23rd @ 11/8/- per mensem.		8	8 6
Reported for duty on 24th. Pay 24th to 31st @ Rs.23/- per mensem.		5	15 0
See memo of figures		14	8 0
Deduct pay drawn in Military from 1st to 20th @ Rs.16 per mensem.		10	5 0
= Rs. 13-1-0 + " 4.3-0 = 17-4-0	Rs.	4	3 0

COMMISSIONER OF POLICE.

162

S.N.12

21

Issued 15/3/40

Form 1217

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft ~~Letter~~ ~~Memorandum~~ ~~Telegram~~

Class for telegrams	INLAND:	FOREIGN:
	Immediate	Immediate
	Important	Important
	Express	Ordinary
	Ordinary	Without priority

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures S.N.11 (PUC)

(~~Code word for telegrams.~~)

No. D.F. 565/39/G.& A. Dated 15th March 1940

To

The Commissioner of Police,

C.& M. Station, Bangalore.

Payment of leave salary of police constable No. 423 Anthony Cruz.

Sir,

I am directed to refer to your -- letter No. 1884/A.G./39-40, dated the 15th February 1940.

2. Constable Anthony Cruz's temporary employment as bugler from 21-11-39 to 20-12-39 may be ignored and his leave -- salary need not be reduced on this -- account.

I have etc.,

12.3.40

For Secy. to the Resident.

13/3

11-3-40

S, 5.

MGIPC—S5- -1705(S&P)MFP—(M-944)—6-3-39—60,000 Pads.